

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: LAGRIMAS BABIERA SADORRA, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Lagrimas Babiera Sadorra, M.D. ("Dr. Sadorra") freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Sadorra currently holds a full and active license to practice medicine and surgery in the State of West Virginia, License No. 12801, which license was issued originally in 1981, suspended for two (2) years between September 20, 1988, and September 20, 1990, and on probation until September 24, 1993. Dr. Sadorra's address of record is in Cross Lanes, West Virginia.

2. On March 10, 2008, the Complaint Committee of the Board initiated its own complaint regarding Dr. Sadorra based upon allegations of prescribing or dispensing excessive amounts of prescription drugs to patients and prescribing, dispensing or administering prescription drugs other than in good faith and in a therapeutic manner in accordance with accepted medical standards.

3. Dr. Sadorra responded in writing that the allegations were not correct, that she is certified to practice in the Suboxone (Buprenorphine) "drug withdrawal program for opioid-opiate dependence patients with a special DEA number", that she has been certified to do so since 2005, and that she is "allowed to treat two hundred (200) Suboxone patients".

4. The program to which Dr. Sadorra referred is a Federal program for office-based treatment of a limited number (thirty) of drug dependent or addicted patients with certain Food and Drug Administration approved Schedule III, IV, and V medications, which Federal program began pursuant to the Drug Addiction Treatment Act of 2000 ("DATA 2000"), and expanded in the Office of National Drug Control Policy Reauthorization Act of 2006 ("ONDCPRA") to permit the treatment of up to one hundred (100) such patients, upon an approved application or as it is named, a Notice of Intent.

5. A Subpoena from the Board was issued to Dr. Sadorra for various documents maintained by her in connection with her participation in the Federal program for office-based treatment of drug dependent patients, it was served upon her in June 2008, and she provided the documents to the Board's investigator in July 2008, including material evidencing her prescribing Suboxone for more than two hundred and twenty (220) patients at one time and a letter to Dr. Sadorra dated February 1, 2007, from H. Wesley Clark, M.D., J.D., Director of the Center for Substance Abuse Treatment ("CSAT") within the Substance Abuse and Mental Health Services Administration ("SAMHSA") all within the Federal Department of Health and Human Services, wherein he stated that Dr. Sadorra has fulfilled the requirements "to treat a maximum of 100 patients at one time" for office-based treatment of opioid addiction.

6. Dr. Sadorra stated to the investigator in July 2008, that she had made a mistake and that a physician from West Virginia University had told her she could treat up to two hundred (200) patients with Suboxone for the office-based treatment of opioid addiction, and she would start a "rapid detox" with her patients.

7. At its next regular meeting following receipt and review of the materials provided by Dr. Sadorra, in September 2008, the Complaint Committee decided to invite Dr. Sadorra to its next meeting in November for an informal conference, however, when she was

provided a notice of the Complaint Committee's request two (2) months in advance, she responded in writing that she would be out of town the weekend of the November meeting and requested her attendance be rescheduled.

8. The Complaint Committee reviewed all of the information regarding this matter at its November 9, 2008, regular meeting and also noted that a report from the West Virginia Controlled Substances Monitoring Program from November 6, 2008, showed that Dr. Sadorra was continuing to prescribe Suboxone to more than one hundred and seventy (170) patients.

9. Under all the circumstances, the Complaint Committee determined that it would not be in the interests of public safety and health to wait two (2) additional months to have an informal conference with Dr. Sadorra.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Sadorra for violations of W. Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e), (j), (o) and (bb), and 12.2 (d); all relating to dishonorable, unethical, and unprofessional conduct, failing to perform a statutory or legal obligation placed upon a licensed physician, violating a lawfully promulgated rule of the United States, and engaging in conduct which has the effect of bringing the medical profession into disrepute.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Sadorra and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Sadorra enters into this Consent Order and complies fully with its provisions.

CONSENT

Dr. Sadorra, by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Sadorra acknowledges that she is fully aware that, without her consent here given, no permanent legal action may be taken against her except after a hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Sadorra further acknowledges that she has the following rights, among others: the right to a formal hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, and the right to cross-examine witnesses against her.

3. Dr. Sadorra waives all rights to such a hearing.

4. Dr. Sadorra consents to the entry of this Order relative to her practice of medicine and surgery in the State of West Virginia.

5. Dr. Sadorra understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. Sadorra, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Sadorra's License No. 12801 is SUSPENDED for a period of one (1) year, effective January 8, 2009.

2. Dr. Sadorra shall cease and desist from any and all participation in any Federal program for office based treatment of opioid addicted patients and shall notify H. Wesley Clark, M.D., J.D., Director of the Center for Substance Abuse Treatment ("CSAT") within the Federal Department of Health and Human Resources, in writing dated no later than December 1, 2008, with a copy to the West Virginia Board of Medicine, that as of December 15, 2008, she will no longer be a participant in any DATA 2000 (SAMHSA/CSAT) treatment program and stating that both Notices of Intent (NOI's) previously filed by her, she considers to be VOIDED by her and accordingly, she is neither authorized to, nor will she continue to prescribe, any Schedule III, IV or V opioid drugs, including Suboxone, for any patient for the maintenance and detoxification treatment of opioid addiction.

3. Dr. Sadorra agrees to send a copy of this Consent Order with the written notification to H. Wesley Clark, M.D., described in paragraph 2, above, and she will comply in all respects with all representations made as specified in paragraph 2, above.

4. Dr. Sadorra agrees to surrender her special DEA number for prescribing under the DATA 2000 (SAMHSA/CSAT) treatment program and to provide written evidence of such surrender to the Board on or before January 8, 2009.

5. Dr. Sadorra agrees not to make application nor file any Notice of Intent to treat patients with Schedule III, IV or V opioid drugs for the maintenance and detoxification treatment of opioid addiction at any time in the future with any Federal program for such office-based treatment.

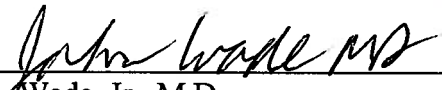
6. Dr. Sadorra shall appear before the Complaint Committee of the Board at its regular meeting in January, 2010, for its determination that she is fully prepared to return to the

active practice of medicine, subject to any conditions the Complaint Committee may deem appropriate after completion of the period of suspension.


7. At the conclusion of SUSPENSION of Dr. Sadorra's License No. 12801, and if she has complied with all the provisions of this Consent Order, her license will be reinstated on PROBATION for a period of two (2) years, and subject to Dr. Sadorra's compliance with all provisions of the West Virginia Medical Practice Act and Rules promulgated thereunder during the period of PROBATION, at the conclusion of the PROBATION, her license will be unencumbered.

The foregoing Order was entered this 12th day of January, 2008/ 2009

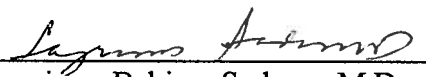
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



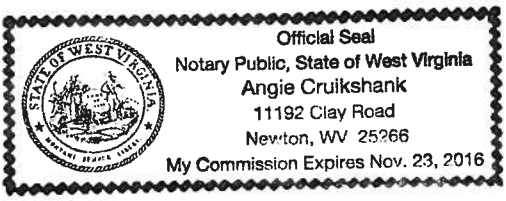
Lagrimas Babiera Sadorra, M.D.

Date: 1/6/09

STATE OF West Virginia
COUNTY OF Kanawha

I, Angie Cruikshank, a Notary Public in and for said county and state, do hereby certify that Lagrimas Babiera Sadorra, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 6th day of January, 2008. ^{AC}
My commission expires November 23, 2016.



Angie Cruikshank
Notary Public